

Application Number: 10/573,052  
Examiner: HAVLIN, ROBERT H

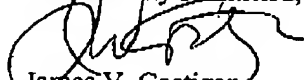
**REMARKS**

This Amendment is being filed in response to the Notice of Non-Compliant Amendment that was mailed February 12, 2009 to correct the identifier on claim 17 from "New" to "Currently Amended".

The brief telephone interview of December 10, 2008 between the undersigned and Examiner Havlin is acknowledged. The Office Action was discussed with regard to the objection to the claims for reading on non-elected subject matter and it was pointed out that the amendment of claim 17 to limit the definition of D to heterocyclic would avoid the basis for the rejection.

This Amendment revises claim 17 so that the definition of D is limited to "heterocyclic" to avoid the rejection over Yamada et al. which does not disclose any compound where D is a heterocyclic compound. Claims 3-12 have been canceled and this Amendment avoids the rejections of record. For these reasons, it is believed that the application is in condition for allowance.

Respectfully submitted,

  
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